



פרשת תרומה

אדר תשע"ח

PURIM BEIS MEDRASH

Following the success of the last two events, we will be hosting a community Beis Medrash evening in preparation for Purim

All men and Bochorim are invited to join us next Sunday night in the Goldhirsch Hall.

Make a Chavrusa or join one of the shiurim. Learning material provided or bring your own. Enjoy the delicious refreshments.

Followed by Maariv

.SHAALOS UTESHUVOS

Getting into the Purim spirit, join us this Sunday morning at the Shaalos uTeshuvos shiur as we address the topic of Purim Rav's and Purim Torahs.

9:30-10:15am in the Kollel Beis Medrash. Refreshments served.

HALACHA SHIUR**Purim and Lo Yilbash**

All men are invited to join Rabbi Michael Stern for a Halachic shiur exploring the Torah prohibition on dressing in the clothing of the opposite gender. Learn how these Halachos apply year round and especially on Purim.

This Tuesday nights, 8:45pm in the Kollel.

DOR LEDOR

Dor Ledor learning for boys and family members continues this Shabbos afternoon 6:30pm in the Mezzanine. Join us for learning, prizes, stories and nush.

**In this Edition**

Why the Mikva has *Hamshacha* channels

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Why does a Mikva have *Hamshacha* channels?

All modern-day Mikvaos are built with two Boros (tanks). One Bor is filled with rainwater which remains intact. The immersion Bor is filled with tap water. This Bor is either refilled regularly with fresh water or the water is filtered¹.

In most Mikvaos, the water for these two Boros enter from two different sources. The rainwater to fill the rainwater Bor enters the Mikva from one point. The tap water and the return water from the filter enters the Mikva from a different point to the rainwater.

Before entering the Mikva, both the rain water and tap water flow through a *Hamshacha* channel, usually built in the form of a cement conduit.

To understand the function of the *Hamshacha* channels and why they are an important feature of the Mikva we need to preface;

There are a number of things which disqualify water from being Kosher for a Mikva. Depending on the disqualification, having the water pass through a *Hamshacha* can reinstate its kosher status and the Mikva will be valid. The three relevant disqualifications are;

Sheuvin; Once rain (or other natural) water has been drawn or passed through a receptacle (Keli), whether the Keli is *Mekabel Tumah* or not, the water is invalidated. If even 3 Log (approx. 1 litre) of drawn water falls into the Mikva before there is a full measure of 40 Seah of rainwater, the Mikva is invalidated.

Tefisas Yad Adam; The water coming into the Mikva cannot come via the "hand of man", even if no Keli is involved. Even if the water was splashed into the Mikva by a person's feet or hands, the Mikva is invalid.

Haviyaso Al Yedei Tahara; Water coming into the Mikva cannot flow over an object which is *Mekabel Tumah*, even if the object is not a receptacle.

The parameters of these issues and how having

Hamshacha can render the water Kosher once again will be discussed in detail below.

Sheuvin – Draw water

The Shulchan Aruch² rules that 3 Log of drawn water only invalidates a Mikva if it falls into the Mikva directly from the Keli. If the drawn water flows along the floor from outside of the Mikva (i.e. *Hamshacha*), the water will not disqualify the Mikva. The logic is that by running over the ground, the water returns to its connection to the ground³.

The Rambam⁴ records the view of the *Chachmei Maarav* that a Mikva can be filled entirely with drawn water which comes into the Mikva via *Hamshacha*⁵ and no rain water is required. Rishonim⁶ understand this to be the view of the Rif.

The majority of Rishonim⁷ follow the view of Rabbi Eliezer ben Yaakov⁸ that *Hamshacha* will only work where there is a majority measure of rainwater i.e. 21 Seah. Filling the Mikva in this manner is referred to as *Reviah Vehamshacha*, "majority (rainwater) and *Hamshacha*".

The Shulchan Aruch⁹ rules like this latter opinion.



There are those who permit this method of *Reviah Vehamshacha* even where the drawn water coming via *Hamshacha* enters the Mikva before the 21 Seah of rainwater¹⁰. However the Rambam¹¹ implies that this method only

works where the 21 Seah of rainwater was in the Mikva before the drawn water enters via *Hamshacha*. The Ram"o¹² adopts this stringent view.

According to the Shulchan Aruch, a Mikva may *Lechtachila* be filled in this method. None the less, some Acharonim¹³ write that because of the many details involved in making a kosher *Hamshacha* and questions such as whether cement is considered

“able to absorb”, a Mikva should not be made in this way. In places of limited rainfall, this can be considered as an option for filling the Mikva.

What is used for *Hamshacha*

The Mechaber¹⁴ rules that the *Hamshacha* can be affected by having the water run over the ground or over a pipe which is not made of something which would disqualify a Mikva (i.e. *Mekabel Tumah*). There are different opinions whether the pipe needs to be attached to the ground or not.

The Ram”o adopts a stricter approach that *Hamshacha* must be over ground which is able to absorb - ראוי לבלוע. Pipes or tiled or stone floors would not suffice. Practically this is achieved by making a concrete with a ratio of 90% sand to 10% cement.

The Acharonim warn that care should be taken that the *Hamshacha* channel not be moulded as a Keli and then attached to the ground or Mikva structure. This would then render all of the water passing through it as Shevin and defeat the purpose entirely. The *Hamshacha* should be built directly onto the Mikva or ground or be fashioned so that it is not a Keli.

Length of *Hamshacha*

The Shulchan Aruch¹⁵ rules that the *Hamshacha* should be a minimum of 3 Tefachim (approx. 24cm). The Rivash¹⁶ explains that this is so that it is more than a shiur of Lavud¹⁷. Sefer Haminhagos is more stringent and requires that the *Hamshacha* be long enough that the force of the pouring of the drawn water into the *Hamshacha* is no longer acting on the water when it runs into the Mikva. Acharonim write that one should be stringent where possible¹⁸.

There is a Machlokes Acharonim whether the 3 Tefachim of the *Hamshacha* need to be in a straight line¹⁹ or whether they can curve or bend²⁰.

Care should be taken that the water does not come into the Mikva with pressure so that the water does not project outwards. This ensures that the water will be able to run on the surface of the *Hamshacha* for the required 3 Tefachim.

Haviyaso al Yedei Tahara

The requirement that the water coming into the Mikva not be brought over anything *Mekabel Tumah* is derived from the Pasuk מְקוּה מְקוּה טְהוֹרָה²¹. This *Pesul* is different to the *Pesul* of Shevin and therefore applies even

when the object is not a Keli (receptacle). Whilst some maintain that the *Pesul* only applies where all of the water comes into the Mikva in this manner, there are those who are stringent and will disqualify the Mikva even if it was only 3 Log.

This *Pesul* only applies if the water would not otherwise reach the Mikva were the object which is *Mekabel Tumah* not there. Based on this care must be taken when choosing the pipes that are used to bring the rainwater to the Mikva. The Shulchan Aruch records that metal pipes may not be used²². Wood or ceramic pipes are not *Mekabel Tumah*²³. If the pipes are attached to the ground and made to be used in this manner, no pipes are *Mekabel Tumah*.

Some Acharonim²⁴ question this leniency and maintain that any water passing over something that is *Mekabel Tumah* will be invalidated, even if the water would otherwise flow into the Mikva by itself.

If the water did become invalidated by flowing via something which is *Mekabel Tumah*, the Shulchan Aruch rules that it will only be *Pasul* if the water falls directly into the Mikva from the object which is *Mekabel Tumah*. If the water falls outside of the Mikva and flows (i.e. *Hamshacha*) into the Mikva the water is kosher. Alternatively, if a small wooden pipe is added at the end of the metal pipe, this will also suffice.

Unlike for Shevin, in this case *Hamshacha* of 3 Tefachim is not required. Neither does the *Hamshacha* have to be over ground which is able to absorb.

Tefisas Yad Adam

As mentioned above, if rainwater enters the Mikva via the “hand of man”, it is rendered invalid. Here too *Hamshacha* can be used to render the water kosher once more. Whilst the Chasam Sofer²⁵ writes that a minimal *Hamshacha* suffices, most Poskim require that in relation to Tefisas Yad Adam, the *Hamshacha* needs to be 3 Tefachim and be over ground which is able to absorb.

Practical application

Our Mikvaos are filled with multiple times the required 40 Seah rainwater and care is taken that there is no Tefisas Yad Adam in bringing the rainwater into the Mikva and we make sure that the water does not pass over or through anything which is *Mekabel Tumah*. Therefore, technically there is no requirement for *Hamshacha*.

None the less, the custom is to still bring the rainwater into the Mikva via a *Hamshacha*. Doing so can be a safeguard for any unknown problems that may arise that we are not aware of.

For example, whilst the roof is checked before filling a Mikva, it is possible that Keilim which are either receptacles or are *Mekabel Tumah* (balls etc) may end up on the roof during the time of filling. Having *Hamshacha* takes care of any resulting issues.

Having the tap or filter return water come into the Mikva via *Hamshacha* is an extra Hiddur. The tap water is considered Shevin. None the less, as seen above in the discussion of *Reviah vehamshacha*, where the drawn water is passed through a *Hamshacha* and there is a majority of rainwater, the drawn water is “upgraded” in status and becomes like rainwater itself.



1. A discussion on the suitability of filtering a Mikva and guidelines on how it should be done will be addressed in a future edition.
2. Yoreh Deah 201:44
3. Rosh
4. Mikvaos 4:9
5. See Beis Yosef for a lengthy discussion
6. Ran, Rashba, Ramban. See however Beis Yosef who explains that the Rif is also of the view that *Hamshacha* only works where there is a majority of rainwater
7. See Beis Yosef YD 201 quoting Raavad, Rashba, Ramban, Rosh and Ramba”n
8. Temurah 12b
9. Yoreh Deah 201:44
10. Ra”sh
11. See Beis Yosef
12. Yoreh Deah 201:44. There are Acharonim who question the Ram”o’s ruling. None the less they say that the Ram”o’s ruling should still be followed.
13. Igros Moshe YD 3:63
14. 201:44 and 201:46
15. 201:45
16. Siman 83
17. Even though Lavud does not apply, Aruch Hashulchan explains that the Rivash means that the *Hamshacha* should be large enough to be recognised.
18. Lechem Vesimla 201:175 and Minchas Yitzchak 1:150. There is a minority view that the *Hamshacha* has no minimum shiur – Rashba.
19. Shevet Halevi 8:203
20. Chazon Ish YD 126:6
21. See Zevachim 25b. There is a dispute whether the disqualification in Mideoraisa or whether it is Derabanan and the Posuk is only an Asmachta.
22. Even though they do not have a receptacle, Peshutie Klei Matchos are *Mekabel Tumah*
23. We are machmir with plastic pipes, treating them as *Mekabel Tumah*
24. Chazon Ish YD 135:2
25. YD 200